

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
International Settlements Policy Reform	)	IB Docket No. 02-324
International Settlement Rates	)	IB Docket No. 96-261
	)	
AT&T Corp. Emergency Petition for	)	IB Docket No. 03-38
Settlements Stop Payment Order and	)	
Request for Immediate Interim Relief	)	
	)	
and	)	
	)	
Petition of WorldCom, Inc. for Prevention	)	
of "Whipsawing" on the U.S-Philippines	)	
Route	)	

**REPLY COMMENTS OF INTERNATIONAL ACCESS INC.  
d/b/a ACCESS INTERNATIONAL**

International Access Inc. d/b/a Access International ("Access"), by its attorneys, and pursuant to the public notice issued by the Commission in IB Docket Nos. 03-324 and 96-261,<sup>1</sup> hereby submits its reply comments on whether certain routes are benchmark-compliant and whether such routes are entitled to be exempted from the Commission's International Settlements Policy (ISP) pursuant to the revised ISP policy set forth in the Commission's First Report and Order in the International Settlements Policy Reform proceeding.<sup>2</sup> As with its initial comments, Access's reply comments are limited to the U.S. - Philippines route.

In its initial comments, Access explained in detail the basis for its position that the Commission should not – indeed cannot – conclude that the current settlements rates between the

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<sup>1</sup> Public Notice – Commission Announces Pleading Cycle for Comments and Replies in Proceeding on Routes Believed to be Benchmark-Compliant, DA 04-1585, released May 28, 2004.

<sup>2</sup> International Settlements Policy Reform, et al (First Report and Order), FCC 04-53, released March 30, 2004 ("ISP Reform Order").

U.S. and the Philippines are benchmark-compliant and why the Commission has no basis for determining that removal of the ISP on the U.S. – Philippines route would serve the public interest. Of the other parties submitting comments in this proceeding, only one commenter – AT&T Corp. – supported removal of the ISP on the U.S. – Philippines route. However, AT&T’s one paragraph statement of “support” for removal of the ISP hardly can be viewed as a ringing endorsement for elimination of the ISP on the U.S. – Philippines route. AT&T’s comments assert not a single fact to support removal of the ISP nor do its comments present one legal or policy reason why the ISP should not remain applicable on the route.

Importantly, information presented in Access’s initial comments remains unrefuted. No commenter has contradicted the facts that the current settlement rates are not publicly-filed and are not available to all U.S. carriers. Neither has any party refuted the notion that the current “interim” rates are the result of conduct engaged in by Philippine carriers to establish rate floors above previously-negotiated rates, irrespective of whether those increased rates are below benchmark levels.

In closing, Access notes that it was the refusal of Philippine carriers in general and PLDT in particular to make available to Access the secret “interim” rates which have been made available to several of the larger U.S. carriers (including AT&T which, at least superficially, supports ISP removal on the U.S. – Philippines route) which caused Access to submit comments in opposition to removal of the ISP. Had those carriers afforded Access the same treatment that they afforded AT&T and MCI, there would have been no need for Access to oppose removal of the ISP on the U.S. – Philippines route. Moreover, as Access noted in its comments, the secret “interim” rates in effect between Philippine carriers and certain selected U.S. carriers have been extended through at least the end of 2004.

Accordingly, for the reasons stated herein as well as for those set forth in Access's initial comments, Access respectfully urges the Commission not to remove the Philippines from the list of countries to which the ISP applies.

Respectfully submitted,

INTERNATIONAL ACCESS, INC.  
d/b/a ACCESS INTERNATIONAL

A handwritten signature in black ink, appearing to read "M. F. Brecher", is written over a horizontal line.

Mitchell F. Brecher

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*Its Counsel*

July 13, 2004

## CERTIFICATE OF SERVICE

I, Michelle D. Diedrick, an Executive Assistant with the law firm of Greenberg Traurig, LLP, hereby certify that on July 13, 2004, a copy of the foregoing Reply Comments of International Access Inc. d/b/a Access International was delivered electronically to the following:

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